

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MISSOURI**

BRIDGETON LANDFILL, LLC,)	
)	
Plaintiff,)	Case No. 4:18-cv-01800-RWS
)	
vs.)	
)	
MALLINCKRODT LLC, et al.)	
)	
Defendants.)	
)	

JOINT MOTION TO STAY PROCEEDINGS

Plaintiff Bridgeton Landfill, LLC (“Plaintiff”) and Defendants Mallinckrodt, LLC and EverZinc USA Inc. (collectively, “Defendants”), jointly move the Court for its Order staying further proceedings between these parties pending mediation amongst the parties.

In support of this Motion, the parties state as follows:

1. Plaintiff filed its Complaint against Defendant Mallinckrodt, LLC (“Mallinckrodt”) on October 23, 2018.
2. Plaintiff filed its First Amended Complaint on November 1, 2018 adding Defendant EverZinc USA Inc. (“EverZinc”).
3. Plaintiff has granted Defendants Mallinckrodt and EverZinc extensions of time to file their Answer to the Complaint through March 15, 2019 and March 25, 2019, respectively. During the extensions of time, the parties have negotiated a mediation structure.
4. The First Amended Complaint seeks cost recovery, contribution and other claims under Section(s) 107 and 113 of the Comprehensive Environmental Response,

Compensation and Liability Act (“CERCLA”) related to the West Lake Landfill Superfund Site (“West Lake Landfill”).

5. The United States Environmental Protection Agency (“EPA”), asserts that action to address radioactively-impacted materials at the West Lake Landfill is necessary to protect the public health and environment.

6. EPA issued a Proposed Record of Decision Amendment (“the West Lake remedy”) on September 27, 2018 outlining certain remedial efforts which must be implemented to address the alleged contamination at the West Lake Landfill.

7. EPA has identified Plaintiff as one potentially responsible party for implementation of the West Lake remedy, which is estimated to cost more than \$200 million.

8. Plaintiff seeks contribution and cost recovery from Defendants Mallinckrodt and EverZinc.

9. In lieu of costly and protracted litigation, Defendants Mallinckrodt and EverZinc have agreed to participate in an early mediation with Plaintiff to address the claims outlined in the First Amended Complaint.

10. A mediator has been selected and a mediation agreement approved by the parties. The parties anticipate initiating the mediation immediately and an initial meeting is set for April.

11. In light of this agreement, the parties have jointly agreed to stay the pending action for cost recovery and contribution as to these Defendants, in anticipation of a potential resolution of these claims at mediation.

12. Given the technical complexity of the West Lake remedy, the number of parties involved, the decades long history of the site, and volume of data and documents related to the claims at issue, it is anticipated that the mediation and associated discussions could stretch over the course of several months.

13. To that end, the parties respectfully request the Court to enter a stay of 180 days. Any party who determines that mediation is unlikely to succeed could terminate the stay early on 30 days notice to the other parties. This proposed stay applies only to the proceedings between Plaintiff and Defendants Mallinckrodt and EverZinc, to allow these parties to pursue alternative dispute resolution. The proposed stay would not prohibit or delay discovery to proceed as to Citigroup, Inc. and its present or former subsidiaries, as granted by the Court's order for early discovery on January 2, 2018 (ECF Doc. No. 18).

14. At the expiration of the 180 day stay, the parties will notify the Court of any resolution at mediation, or move for additional time to continue alternative dispute resolution.

15. The parties believe that staying the pending claims for contribution and cost recovery to allow for potential resolution through mediation and settlement are in the best interest of all parties and judicial economy and efficiency.

16. The parties further state that given the very early stages of the suit and the joint nature of the stay agreement, no party would be prejudiced by the stay.

17. In consideration of the foregoing, the parties jointly request this Court's Order staying this proceeding for 180 days or until notice has been provided to the Court that a settlement and/or resolution has been reached, or that a party intends to terminate the stay, whichever occurs first.

WHEREFORE, the parties jointly request that the Court enter the Order, attached as Exhibit 1, staying further proceedings in this case, and for such other and further relief deemed appropriate by the Court.

Dated: March 25, 2019

By: /s/ William G. Beck

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